BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR C.G.

In the Matter of W.P.No. 2131 /2003

PETITIONER

Smt. Shanti Thakur, w/o. Roopnath Thakur, aged about 40 years, Sarpanch Gram Panchayat Charama, Distt. Kanker, Chhattisgarh.

Versus

RESPONDENTS

1) State of Chhattisgarh, through : Principle Secretary, Department of Gram Panchayat Mantralay, D.K.S. Bhawan, Raipur

2) The Collector, District Kanker, (C.G.)

3) Sub Divisional Officer, Kanker (C.G.)

P. R. No. 1996/03 Presented by Shri K.K. Sunilesh Tiwari dated 10.03.03

PETITION UNDER ARTICLE 226/227 of THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND /OR ANY OTHER COMMAND OF LIKE NATURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P. 2131/03 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | 28.7.2003<br><br>Shri Kishore Bhaduri, Advocate for the petitioner.<br><br>Shri Sanjay K. Agarwal, Deputy Advocate General takes notice on behalf of the Respondents.<br><br>By this petition under Article 226/227 of the Constitution the petitioner seeks to challenge the order passed by the Collector dated 10.7.2003 passed in Panchayat Appeal No. 01/A-89/02-03, whereby learned Collector dismissed the appeal of the petitioner and confirmed the order passed by the S.D.O. by which the petitioner was removed from the post of Sarpanch. Earlier also the petitioner filed a writ petition No. 161/2003 before this Court and vide order dt. 13.3.2003 the petitioner was allowed to continue on the post till the disposal of the petition. Learned counsel for the petitioner submits that learned Collector without following the relevant procedure recorded the statements of complainant Mamta Sahu who in spite of the notices did not appear before the Enquiry Officer and the S.D.O. Therefore, interim stay be granted.<br><br>On the other hand learned Deputy Advocate General submitted that there is a provision for filing revision against the order passed by the Collector before the Director Panchayat.<br><br>In view of the above submission made by learned Deputy Advocate General, learned counsel for the petitioner very frankly admitted that the petitioner will file a revision against the order of Collector but in the meanwhile status quo be directed to be maintained. | |

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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| | Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, it is directed that the petitioner may file a revision before the Director, Panchayat within a period of 10 days from today, and till the Director Panchayat pass an order on the stay application the petitioner may be allowed to continue on the same post. or till 28 (Twenty days) whichever is earlier in time.<br>With the above observation this petition stands disposed of finally.<br>Parties are entitled for certified copy of this order.<br>Sd/-<br>L.C. Bhadoo<br>Judge | |

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